

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH PRESTON GRAY,)	
Petitioner,)	Civil Action No. 17-124 Erie
)	
v.)	Chief District Judge Joy Flowers Conti
)	Magistrate Judge Susan Paradise Baxter
)	
SUPT. MICHAEL CLARK, <u>et al.</u> ,)	
Respondents.)	

MEMORANDUM ORDER

The petitioner Kenneth Preston Gray ("Gray") filed with the court a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This case was referred to a United States Magistrate Judge for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Local Rules for Magistrate Judges. On May 24, 2018, the magistrate judge issued a Report and Recommendation (ECF No. 9) in which she recommended that the petition be denied as moot and that a certificate of appealability be denied.

Gray's objections to the Report and Recommendation were due by June 11, 2018. He did not file any objections. After *de novo* review of the petition and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of June, 2018;

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is DENIED and a certificate of appealability is DENIED. The Report and Recommendation (ECF No. 9) of Magistrate Judge Susan Paradise Baxter, filed on May 24, 2018, is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: All parties of record
Susan Paradise Baxter,
U.S. Magistrate Judge